

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY (f/k/a FIRST
COLONY LIFE INSURANCE COMPANY),**

Plaintiff,

vs.

**DOROTHY CIURA and
LISA VANDENBERGHE (n/k/a LISA ORTEGA)**

Defendants.

No.: 07 C 6400

AFFIDAVIT OF STUART F. PRIMACK

I, Stuart F. Primack, being first duly sworn under oath, depose and state that I am an associate with Chittenden, Murday & Novotny LLC, attorneys for Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) ("GLAIC") in this matter. I am more than 18 years of age and if called to testify in this matter could competently testify to the following facts, which are based on my personal knowledge:

1. I am an associate with the law firm of Chittenden, Murday & Novotny LLC, attorneys for GLAIC in this matter.

2. Pursuant to GLAIC's request, on November 13, 2007, Chittenden, Murday & Novotny LLC filed a complaint for interpleader pursuant to 28 U.S.C. §§ 1335, 1397 and 2361 (2007) to resolve competing claims to proceeds payable pursuant to a GLAIC life insurance policy, Policy No. 2100851, issued to Steven Ciura on April 14, 1995.

3. On November 28, 2007, in an attempt to save costs of service and in accordance with Rule 4(d) of the Fed. R. Civ. P., I requested that Defendant Dorothy Ciura waive service of

summons by mailing two (2) copies of the Waiver of Service of Summons form and the complaint for interpleader to her at her home address.

4. On or about December 6, 2007, Dorothy Ciura executed and returned the Waiver of Service of Summons, thereby agreeing to waive service.

5. On January 8, 2008, Dorothy Ciura's Waiver of Service of Summons form was filed with this Court.

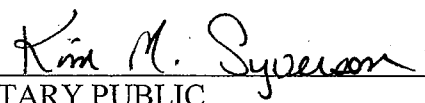
FURTHER AFFIANT SAYETH NOT.

Dated: _____

3/7/08


Stuart F. Primack

SIGNED AND SWORN TO BEFORE ME
this 7th day of March, 2008


NOTARY PUBLIC

